

# Land Development Code Revisions Round Two – Open House



Louisville Metro Planning & Design Services

June 10, 2014

# LDC Revisions - Round One Summary

- The recent audit of Planning & Design Services resulted in several recommendations, one of which is to update and simplify the Land Development Code.
- In September 2011, the Land Development Code (LDC) Improvement Committee, which is comprised of Louisville Metro Government staff, representatives from the development community, representatives from neighborhood and preservations groups, and other interested parties, began meeting regularly to discuss potential improvement ideas for the Land Development Code.
- The LDC Committee decided to divide their mission into two phases. “Round One” would be the initial focus of the group’s discussions and would concentrate on identifying minor changes to the LDC. These Round One minor changes could be items such as correcting errors, eliminating duplications or repetitive language or sections, improving cross-referencing and other things of the like. Issues that did not fall into this category, according to the LDC Committee, would be revisited during the “Round Two” phase of committee discussions.
- The 112 LDC text amendments from Round One (Case No. 17064) were recommended for approval by the Planning Commission at their March 29, 2012 meeting.
- The majority of the Round One text amendments were adopted by Louisville Metro Council between March and August of 2013.

# LDC Revisions - Round Two

- The Round Two phase of the Land Development Code (LDC) revision project began in May 2012 with the creation of the 15 member LDC Main Committee.
- Nine sub-committees were formed with each one focused on a specific area of the LDC and began meeting regularly with the goal of proposing various text amendments that will improve the effectiveness of the code.
- Between May 2012 and April 2014 the LDC Main Committee met 35 times. The early meetings were focused on keeping the main committee members updated on the activities of the sub-committees, while in the later meetings the main committee reviewed, discussed and acted on the sub-committee recommendations.
- Between June 2012 and December 2013 a total of 192 LDC sub-committee meetings were held. Over 160 individuals participated in the LDC sub-committee meeting process.

# LDC Revisions - Round Two

- The Round Two phase began in May 2012 with the creation of the LDC Main Committee.
  - Jim King - Metro Councilperson District 10
  - James Peden - Metro Councilperson District 23
  - Donnie Blake - Planning Commission Chairman
  - David Proffitt - Planning Commission & Board of Zoning Adjustments Member
  - Chuck Kavanaugh - Building Industry Association of Greater Louisville
  - Pat Dominik - Sabak, Wilson & Lingo
  - Kathy Linares - Mindel Scott & Associates
  - Deborah Bilitski - Wyatt Tarrant & Combs
  - Barbara Sinai - Crescent Hill Community Council
  - Steve Porter - Attorney, OPEN Louisville
  - Tom FitzGerald - Kentucky Resources Council
  - Teena Halbig - Floyds Fork Environmental Association
  - Kevin Dunlap - Louisville Urban League
  - Chris Raque/Matt Meunier - City of Jeffersontown
  - Gabe Fritz - The Housing Partnership, Inc.

# LDC Revisions - Round Two

- The following nine sub-committees were created to focus on various sections of the LDC:
  - Form Districts
  - Infill Development Standards
  - Transportation & Mobility
  - Landscaping & Tree Canopy
  - Subdivisions
  - Permitted & Conditional Use Listings
  - Fair & Affordable Housing
  - Development Review Process
  - Miscellaneous Research
- Proposed Round Two LDC text amendments will be presented to the Planning Commission on August 11, 2014 (1PM - Old Jail Building, 514 W. Liberty St.)
- Metro Council and other 2<sup>nd</sup> - 4<sup>th</sup> class cities in Jefferson County will take final action on the proposed amendments.



# LDC Revisions - Round Two

- Summary of Recommendations
  - Official recommendations (194) from the LDC Main Committee. These items were discussed and successfully voted on by the LDC Main Committee and therefore have become recommended LDC text amendments.
  - Non-recommendations (40) - The second category includes proposals that were discussed by the LDC Main Committee, but were either rejected by vote, did not receive the required number of votes (eight) to become an official recommendation, or were not voted on altogether. This category also may include topics discussed by one of the sub-committees, but were not forwarded to the LDC Main Committee for consideration.
  - Staff Recommendations (14) - There are a handful of items attached to the sub-committee reports that are recommendations of Planning & Design Services staff. This category largely consists of minor changes recognized by staff that were either not presented to the LDC Main Committee, or were only briefly discussed by the committee and not acted upon.
- 83% (194 of 234) of the items presented to the LDC Main Committee became official recommendations.

# LDC Revisions - Round Two

- Currently the infill related regulations are scattered throughout Chapter 5 (Form Districts) of the LDC and the methods used to determine when a property is classified as infill and how to determine infill dimensional requirements such as building height and setbacks vary significantly between the various form districts.
- The fact that there are more than a dozen variations of the infill regulations within the LDC makes the current system confusing and inefficient to the public as well as staff.
- We now will have one centralized location in Section 5.1 for infill related regulations. (INF ITEM #1)
  - There will be one method to determine whether a property achieves infill status in the Traditional Form Districts, and another slightly different method to determine infill status in the Suburban Form Districts.
  - One set of regulations to determine building setback and height requirements for infill properties in Traditional Form Districts.
  - One set of regulations to determine building setback and height requirements for infill properties in Suburban Form Districts.
  - Miscellaneous Regulations and Exemptions Section

# LDC Revisions - Round Two

- For rezoning and conditional use permit requests: (DRP ITEMS #5 & 11)
  - The pre-application conference can now occur before or after the required neighborhood meeting, but still must be no sooner than 90 days prior to formal application is submitted.
  - Notification requirement for neighborhood meetings increased from 10 to 14 days.
  - Consistent notification requirements by case type for neighborhood meeting and public hearing.
- Language used for waiver justifications and waiver findings of fact has been made more consistent. (DRP ITEM #20)
- Authority to revise Planning & Design Services fee schedule switched from Metro Council to the Planning Commission. (DRP ITEM #21)
- A new procedure for staff level review of certain Revised Category 3 Development Plans has been established. (DRP STAFF ITEM A)
- Appeals of staff determinations proposed to be discussed at Planning Commission rather than at committee level since committee often forwards appeal cases on to full Planning Commission. (DRP ITEM #18)



# LDC Revisions - Round Two

- Improvements to fair and affordable housing related issues within the LDC including:
  - Alternative Development Incentives regulations have been improved to encourage better utilization. (FAH ITEM #1)
  - Mixed Residential Development Incentive – New optional development tool designed to encourage developments with a mixture of housing types, styles and pricing. (FAH ITEM #2)
  - Affordable Housing Density Bonus – Additional density bonus offered for commitment to provide affordable units within a development. (FAH ITEM #3)
  - Multi-family residential development is now allowed in the OR Office Residential District at a density of 12 units per acre. (FAH ITEM #4, PART 3)
  - Attached housing will now be allowed in the R-5A Multi-Family Residential District. (FAH ITEM #5)

# LDC Revisions - Round Two

- Mixed Residential Development Incentive (MRDI) Option
- Highlights of MRDI Option
  - Allows multi-family development in R-4 & R-5 zoning districts without zoning change.
  - Developer commits to certain number of multi-family units.
  - Developer commits to certain number of affordable units. Can be multi or single-family; owner occupied or rentals.
  - Minimum 10% open space requirement.
  - Accrue points in up to 13 categories.
  - Higher point total entitles developer to higher density bonus, up to 25% above what underlying zoning allows.
  - Reduced lot sizes are allowed to increase design options and to achieve density bonus.
  - Major Subdivision Preliminary Plan review process applies.
  - Annual report submitted to Planning & Design Services.

# LDC Revisions - Round Two

## ■ Mixed Residential Development Incentive (MRDI)

### Traditional R-4 Development

- 55 acres – 4 acres ROW = 51 acres
- 4.84 lots/acre
- 246 lots (all 9,000 SF lots)
- All single-family
- No affordable units
- No open space



### MRDI Development (R-4) (No rezoning required)

- 55 acres – 4 acres ROW = 51 acres
- 5.80 units/acre (20% density bonus)
- 296 total dwelling units
- 191 single-family (50-4,500 SF; 50-7,000; 91-9,000 SF)
- 105 multi family units (2 lots=8 acres) (35%)
- 59 affordable units (half houses/half apartments) (20%)
- 11 acre open space lot (20%)



# LDC Revisions - Round Two

- Several definition additions and clarifications.
- Signage changes related to:
  - Non-conforming Signs (MIS ITEM #23)
  - Sign Area Calculation (MIS ITEM #24)
  - Projecting Banner Signs (MIS ITEM #25)
  - Changing Image Signs Adjacent to Olmsted Parks & Parkways (MIS STAFF ITEM E)
- Lighting regulation changes including: (MIS ITEM #17)
  - Lowering the threshold to require fully shielded light fixtures.
  - Reducing the illumination allowed under canopies and drive through bays.
  - Reducing the amount of allowable light trespass (across property lines) by 50%.
- Additional changes and clarifications related to:
  - Density Calculation (MIS ITEM #15)
  - Stream Buffers (MIS ITEM #21)
  - In-Home Daycares (MIS STAFF ITEM D)
  - Outdoor Amenity Public Art Fee-in-lieu Option (MIS STAFF ITEM A)
- Further research regarding digital technology used on billboards is being pursued.  
(MIS STAFF ITEM F)

# LDC Revisions - Round Two

- Non-residential permitted uses currently allowed in the C-2 Commercial District are proposed to be permitted uses in the M-1 Industrial District. (PCUP ITEM #20)
- New land use listing: Micro-breweries/micro-distilleries with production areas smaller than 5,000 SF proposed to be a permitted use in the C-2 Commercial District. (PCUP ITEM #18)
- Changes to permitted uses include:
  - Golf Courses (PCUP ITEMS #1, 1A & 2)
  - Residential Care Facilities (PCUP ITEM #10)
  - Tattoo Shops (PCUP ITEM #19)
  - Furniture Storage (PCUP ITEM #22)
- Changes to conditional uses include:
  - Bed & Breakfast Facilities (PCUP ITEM #26)
  - Medical Professionals (PCUP ITEM #27)
  - Funeral Homes (PCUP ITEM #28)
  - Junkyards (PCUP ITEM #30)
  - Auction Sales (PCUP ITEM #32)
  - Flea Markets (PCUP ITEM #33)
- Clarifying language added to alcohol related land uses, and others. (PCUP STAFF ITEM C)
- Further research regarding tavern listings is being pursued. (PCUP STAFF ITEM D)



# LDC Revisions - Round Two

- Reorganization of Chapter 5 contents.
- Clarifying language added related to:
  - Gas Pump Setback Requirements (FORM ITEM #2)
  - Setback Requirements Adjacent to Zoning Boundary Lines (FORM ITEM #4)
  - Maximum Setback Requirements Adjacent to Parkways in Suburban Form Districts (FORM ITEM #5)
  - Transition Zone Setbacks (FORM ITEM #6)
- Added flexibility for setback requirements on non-residential corner lots in Traditional Form Districts (FORM ITEM #8)
- Recommended future efforts related to: (FORM ITEM #9)
  - An analysis of the appropriateness of all current form district designations throughout city.
  - An analysis of the creation of a new rural form district.

# LDC Revisions - Round Two

- An analysis of the creation of a new *rural* conservation subdivision option is recommended. (SUB ITEM #1)
- Changes intended to improve the current conservation subdivision regulations include: (SUB ITEM #2)
  - Required site visit with staff will now occur prior to formal plan submittal.
  - Letter of explanation outlining key elements of proposal now required with plan submittal.
  - Adjustments to how landscape buffer areas, perimeter plantings and primary and secondary conservation areas interact with each other.
  - Appendix 7A, which is a new set of guidelines for streets and sidewalks within conservation subdivisions, has been drafted by Metro Public Works staff.
- Clarifying language related to builder's bonds is proposed. (SUB STAFF ITEM A)

# LDC Revisions - Round Two

- Consolidation of Section 5.8 Street and Roadside Design Standards, Section 5.9 Transit and Connection Standards and Section 5.10 Traffic Impacts. (TRAN ITEM #1)
- Significant reorganization of transportation related portions of Chapters 5, 6 & 9.
- Land Uses within the required parking space tables have been reorganized. (TRAN ITEM #34)
- Elimination of pre-application step in permanent street closing process. (TRAN ITEM #25)
- New transit related parking reduction option: (TRAN ITEM #32)
  - 50% fewer spaces required in Traditional Form Districts for developments within 1,000' of transit route
  - 30% fewer spaces required in Suburban Form Districts for developments within 1,000' of transit route
- The LDC Main Committee decided to postpone discussion on any proposed changes related to transit standards until the ongoing Move Louisville transportation study has been completed. Additional discussion regarding transit related LDC regulations may continue in 2015. (TRAN ITEMS #7, 9, 26, 27 & 29)

# LDC Revisions - Round Two

- New fee-in-lieu option added to achieve compliance with tree canopy preservation code requirements. (LAND ITEM #3)
- High density residential developments and high intensity non-residential developments in TMC, TW & TN Form Districts are no longer eligible for a 100% reduction in tree canopy requirements. (LAND ITEM #7)
- The language within the applicability sections of 10.1 Tree Canopy and 10.2 Landscape Design have been made more consistent with each other. (LAND ITEMS #1 & 19)
- Landscaping berming is now an optional screening tool rather than a requirement in various sections of Chapter 10. (LAND ITEMS #38, 40-42)
- Added a 10% parking reduction and increased flexibility in species selection and planting location for sites utilizing depressed bio-retention areas in parking lots. (LAND ITEM #37)
- Other changes related to:
  - Sidewalks within landscape buffer areas (LAND ITEM #24)
  - Utility easement/landscape buffer overlaps (LAND ITEM #25)
  - Off-site planting (LAND ITEM #20)
  - Landscape buffer intensity chart (LAND ITEM #22)
  - Plant species mixture (LAND ITEM #45)
- The LDC Main Committee decided to postpone discussion on any proposed changes related to tree canopy coverage requirements until the City's ongoing tree assessment project study has been completed. Additional discussion regarding tree canopy requirements may continue in 2015. (LAND ITEM #6)

# LDC Revisions - Round Two

- Louisville Metro Council specifically requested the following land uses be further analyzed with regard to how they are currently addressed within the LDC.
  - Package Liquor Stores
  - Pawn Shops
  - Cash Advance Stores
  - Paycheck Loan Sites
  - Plasma/Blood Collection Centers
  - Rehabilitation Homes
  - Peddler's Malls
  - Group and Transitional Housing
- The LDC Main Committee and/or their nine sub-committees reviewed and discussed each of the listed land uses. Changes to some land uses are proposed while some land uses are not recommended to be changed.



# LDC Revisions - Round Two

- To view proposed amendments go to:  
<http://www.louisvilleky.gov/PlanningDesign/Land+Development+Code+Improvement+Committee.htm>
- Email comments by June 30<sup>th</sup> to:  
[Michael.Hill@louisvilleky.gov](mailto:Michael.Hill@louisvilleky.gov)
- Planning Commission Public Hearing:  
Tuesday, August 11<sup>th</sup>  
1:00 PM  
Old Jail Building  
514 W. Liberty Street  
Louisville, KY